

# EXHIBIT C

IN THE UNITED STATES DISTRICT COURT OF THE  
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

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AFFIDAVIT OF ASHLEY L. OWNBY

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STATE OF TENNESSEE )  
COUNTY OF BRADLEY )

Comes Ashley L. Ownby, Attorney at Law, and would state as follows:

1. I Ashley Ownby, Attorney at law, here make this supplementation to the award of common benefit fees and expenses reimbursement for work done and expenses incurred for the common benefit of Digitek Claims pursuant to this Court's Orders.

2. I am a sole practitioner and have been practicing law for over 24 years and my office is located in Cleveland, Tennessee at 180 North Ocoee Street.

3. I began working on the Digitek litigation in July of 2008, and filed some of the first cases in the state of Tennessee, which were eventually transferred to the Digitek MDL in Charleston, West Virginia. I attended hearing in San Francisco California, and held other strategy meeting with other counsel prior to the MDL being placed before this Court.

4. Following my initial appointment to the PSC, I conducted work regarding the corporate scheme of the Defendant Corporation along with research about the Defendant's corporate history prior to the recall of Digitek tablets.

5. I participated in every PSC meeting either by telephone or in person with the exception of one meeting, and was involved to some degree with document review for the benefit of the PSC.

6. I further prepared research regarding initial pleadings in response to Defendant's Motions to Dismiss filed by the Defendants in this cause which was submitted to the PSC Lead Counsel and filed upon Digitek Claimants Benefit which was ultimately overruled by the Court.

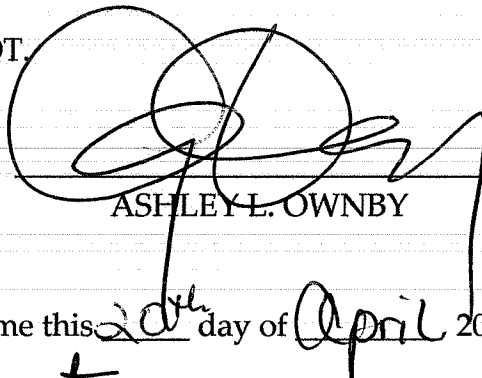
7. I have discussed with other co-counsel the relevant standards for MDL and coordinated litigation for time and expense submission, and it is my belief that my time and expense submission meets the standards of MDL practice and includes only such time and expenses as benefitted the outcome of this matter for all claimants under the care of the PSC. From speaking with co-counsels the hourly rates charged are usual and customary for MDL pharmaceutical litigation similar to Digitek.

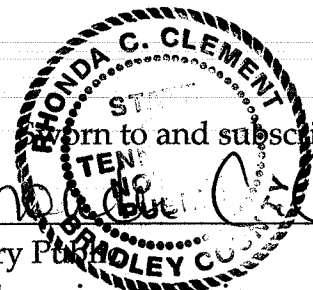
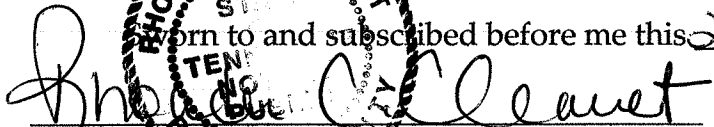
8. I have 255.40 hours and the hourly rate of \$325.00 per hour for the work performed by me on behalf of the common benefit of all Digitek MDL claimants and my attorney fees total \$83,005.00. (See Exhibit 1)

9. Additionally, my office has incurred a total of \$31,496.95, in expenses for the common benefit of all Digitek MDL claimants and their attorneys, for, *inter alia*, travel related to PSC duties, and the PSC assessment. After the initial \$25,000.00 of expense for the PSC common benefit fund the remaining expense was minimal in the amount of \$6,496.95. (See Exhibit 2)

10. I respectfully request this Court to approve this Application for Common Benefit Fund fees in the amount of \$83,005.00 and Common Benefit Expenses in the amount of \$31,496.95, for a total of \$114,501.95.

FURTHER AFFIANT SAITH NOT

  
ASHLEY L. OWNBY

  
Sworn to and subscribed before me this 20<sup>th</sup> day of April 2011.  
  
Notary Public  
My Commission Expires: 5/7/14

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been electronically filed with the Clerk of the Court this 20<sup>th</sup> day of January, 2011, by using the CM/ECF system which will send notice of electronic filing to all parties or record at the e-mail addresses on file with the Clerk of the Court.

**PLAINTIFFS' CO-LEAD COUNSEL AND LIAISON COUNSEL**

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DATE	ATTORNEY	DETAIL	HOURS
5-Nov-08	Ashley L. Ownby	Receiving and Reviewing Pre-Trial Order #4 - Appointment of Lead Counsel and PSC members, as well as listing duties and responsibilities for all members involved	0.5
5-Nov-08	Ashley L. Ownby	Correspondence from the Court - Appointment of Lead Counsel	0.5
6-Nov-08	Ashley L. Ownby	Correspondence with PSC Lead Counsel	0.2
6-Nov-08	Ashley L. Ownby	Receipt of Email from PSC re: Appointments	0.5
7-Nov-08	Ashley L. Ownby	Setting PSC conference call	0.2
7-Nov-08	Ashley L. Ownby	Review of Court filing #52	0.2
7-Nov-08	Ashley L. Ownby	Review of (8) emails from PSC	0.5
7-Nov-08	Ashley L. Ownby	Emailing first PSC conference call and discussion of Judge Goodwin's Order	0.2
11-Nov-08	Ashley L. Ownby	Litigation Strategy and Analysis-PSC Conference call	1
13-Nov-08	Ashley L. Ownby	Reviewing Court Order #54	0.2
14-Nov-08	Ashley L. Ownby	Reviewing Order lifting stay of conditional transfer order	0.2
16-Nov-08	Ashley L. Ownby	Review of email from PSC members	0.5
17-Nov-08	Ashley L. Ownby	Confirmation of PSC conference attendance	0.2
17-Nov-08	Ashley L. Ownby	Receiving FOIA information from FDA	0.2
17-Nov-08	Ashley L. Ownby	Review of proposed tolling agreements and emails from PSC	1
18-Nov-08	Ashley L. Ownby	Attending Conference in West Virginia	6
18-Nov-08	Ashley L. Ownby	Attending PSC	2
18-Nov-08	Ashley L. Ownby	Travel back from WV	6
19-Nov-08	Ashley L. Ownby	Research US v. Actavis permanent injunction	1
19-Nov-08	Ashley L. Ownby	Review of PSC emails	0.5
20-Nov-08	Ashley L. Ownby	Review of Email from Liaison Counsel PSC re: Summary of various issues during status conference	0.5
21-Nov-08	Ashley L. Ownby	Email re: PSC appointments	0.3
21-Nov-08	Ashley L. Ownby	Review of WV State pleadings transferred to Federal Court w/responses from various PSC members	1.5

Exhibit 1

DATE	ATTORNEY	DETAIL	HOURS
21-Nov-08	Ashley L. Ownby	Review of email from Harry Bell & Barry Hill	0.5
23-Nov-08	Ashley L. Ownby	Email filing status of #57	0.2
24-Nov-08	Ashley L. Ownby	Review of Court file #58 & Pre-trial Order #6	0.2
26-Nov-08	Ashley L. Ownby	Review of Court file #59	0.2
1-Dec-08	Ashley L. Ownby	Correspondence w/Co-lead for payment of assessment for PSC	0.2
4-Dec-08	Ashley L. Ownby	Review of emails from PSC members and review of PSC assignment listings and information for next conference call	1
5-Dec-08	Ashley L. Ownby	Law and Pleadings telephone conference and review of Master Complaint	1.2
8-Dec-08	Ashley L. Ownby	Review of PSC e-mail	0.5
9-Dec-08	Ashley L. Ownby	Review Ct filing #61	0.2
12-Dec-08	Ashley L. Ownby	Email PSC lead counsel and review of conditional transfer Order	0.7
16-Dec-08	Ashley L. Ownby	Email-Harry Bell of outstanding cases to be filed against Actavis	0.2
17-Dec-08	Ashley L. Ownby	PSC Conference call	2.2
18-Dec-08	Ashley L. Ownby	TCW Fred Thompson and PSC re: Protective Orders	0.5
19-Dec-08	Ashley L. Ownby	Email to M. Johnson re: Research	0.2
30-Dec-08	Ashley L. Ownby	Reviewing Court file #63 – Pre Trial #9 establishment of Plaintiff's Litigation Expense Fund	0.2
31-Dec-08	Ashley L. Ownby	Emails from F. Thompson & M. Johnson. Review of Court filing #64	2.5
2-Jan-09	Ashley L. Ownby	Review of associates of Actavis/UDL – preparing of the graph for review of the PSC. Contact Delaware and Texas secretary of state's and preparing possible entities not named in the original complaint.	1.2
2-Jan-09	Ashley L. Ownby	Review of chain of liability and prepare of graph	0.5
12-Jan-09	Ashley L. Ownby	Review of entities of Defendants	2
13-Jan-09	Ashley L. Ownby	Review of data collected regarding Corporations of Defendants/flow sheets	1.2
14-Jan-09	Ashley L. Ownby	Review of supporting evidence of liability of suppliers/manufactures of Defendants	1
21-Jan-09	Ashley L. Ownby	Review the graph and records	1 <sup>2</sup>

Exhibit 1<sup>2</sup>

DATE	ATTORNEY	DETAIL	HOURS
22-Jan-09	Ashley L. Ownby	Review and amending graph	0.5
28-Jan-09	Ashley L. Ownby	Reviewing Court file #66 – Judge Entry re: Status Conference with lead and liaison counsel	0.2
29-Jan-09	Ashley L. Ownby	Review Court file #67	0.2
4-Feb-09	Ashley L. Ownby	Preparation of Actavis graph and sub-companies and review of pre-trial order #11	3.3
5-Feb-09	Ashley L. Ownby	Revision of graph of Actavis related companies	5
9-Feb-09	Ashley L. Ownby	Review of Court filing #72-73	1.1
11-Feb-09	Ashley L. Ownby	Review of Court filing #75-76	0.2
17-Feb-09	Ashley L. Ownby	Review of pre-trial order #14 – re: Scheduling order conference	0.2
20-Feb-09	Ashley L. Ownby	Correspondence w/Lead PSC counsel re: telephone status conference	0.2
25-Feb-09	Ashley L. Ownby	Review of conditional transfer order, and PSC email re: next PSC meeting to be held in Houston, TX	1
26-Feb-09	Ashley L. Ownby	Review of email for PSC conference call; correspondence to FDA re: information on Digitek pills.	0.6
27-Feb-09	Ashley L. Ownby	PSC conference call	1.6
2-Mar-09	Ashley L. Ownby	Email re: PSC meeting in Houston, TX	0.2
4-Mar-09	Ashley L. Ownby	Email from PSC	0.2
5-Mar-09	Ashley L. Ownby	Review of Court file #86-87	0.4
6-Mar-09	Ashley L. Ownby	Final review of grid search for Actavis related companies	4
8-Mar-09	Ashley L. Ownby	Travel time to Houston, TX	4
9-Mar-09	Ashley L. Ownby	Review of Master Complaint, preservation and protective order	0.2
10-Mar-09	Ashley L. Ownby	PSC conference in Houston TX and travel back to Tennessee	8
11-Mar-09	Ashley L. Ownby	Conversation with former Attorney General with the United States Government attempting to get FDA materials and review regarding plaintiffs fact sheet to lead counsel.	0.7
12-Mar-09	Ashley L. Ownby	Contact U.S. Attorney and New Jersey Court re: research against Actavis	0.5
13-Mar-09	Ashley L. Ownby	Review of Record Track email	0.3

Exhibit 1

DATE	ATTORNEY	DETAIL	HOURS
16-Mar-09	Ashley L. Ownby	Review of pre-trial proceedings by PSC and request to receive documents from FDA under FOIA.	0.3
17-Mar-09	Ashley L. Ownby	Review Court filing #76 and scheduling order	0.2
18-Mar-09	Ashley L. Ownby	Conversation with Bloomberg reporters re: the sale of Actavis and email to PSC lead counsel re: Federal Government docs on Digitek	0.5
19-Mar-09	Ashley L. Ownby	Review and background information on Actavis	5.5
20-Mar-09	Ashley L. Ownby	Review Court filing #59; conversation with Federal Officer re: FOIA; conversation with lead PSC counsel.	1.6
27-Mar-09	Ashley L. Ownby	Conversation with Bloomberg reporting and email re: sale of Actavis	0.7
27-Mar-09	Ashley L. Ownby	Email from M. Johnson re: next conference call	0.2
31-Mar-09	Ashley L. Ownby	PSC Conference call and spoke with Pete Miller re: discovery	1.6
1-Apr-09	Ashley L. Ownby	Drafting and reviewing supplemental interrogatories/request for production of docs	2
1-Apr-09	Ashley L. Ownby	Research analysis and drafting interrogatories	2
2-Apr-09	Ashley L. Ownby	Prepared letter to FDA in regards to FOIA documents previously requested	2
27-Apr-09	Ashley L. Ownby	PSC conference call	1
30-Apr-09	Ashley L. Ownby	Review of documents to present to PSC	2
4-May-09	Ashley L. Ownby	Preparing initial draft response	3
4-May-09	Ashley L. Ownby	Draft Motion to Dismiss and research case law, specifically Wythe case	6.1
5-May-09	Ashley L. Ownby	Research and review of Wythe Case	5
7-May-09	Ashley L. Ownby	Legal research regarding preemption v. right of action for violation of Federal regulations. Revisions and Drafting Motion to Dismiss Count 5	4
7-May-09	Ashley L. Ownby	Conference with Law Clerk re: Motion to Dismiss Count 5	0.5
8-May-09	Ashley L. Ownby	PSC Conference call	0.5
15-May-09	Ashley L. Ownby	PSC Conference call	0.5

Exhibit 1

DATE	ATTORNEY	DETAIL	HOURS
2-Jun-09	Ashley L. Ownby	Travel arrangements	1
10-Jun-09	Ashley L. Ownby	Travel to Texas; dinner meeting with PFS	10
11-Jun-09	Ashley L. Ownby	Attend Meeting in Texas	8
12-Jun-09	Ashley L. Ownby	Return from Texas	8
16-Jun-09	Ashley L. Ownby	Review of Discovery received from M. Johnson	1
16-Jun-09	Ashley L. Ownby	Review of top (15) cases to be sent to PSC	1
17-Jun-09	Ashley L. Ownby	Attended Court hearing via telephone	1.5
18-Jun-09	Ashley L. Ownby	PSC Conference Call	1
7-Aug-09	Ashley L. Ownby	PSC Conference Call	1.5
3-Sep-09	Ashley L. Ownby	PSC Conference Call	0.6
10-Sep-09	Ashley L. Ownby	Research analysis of specific FOIA documents	4
17-Sep-09	Ashley L. Ownby	Strategy analysis of discovery	10
18-Sep-09	Ashley L. Ownby	Research for PSC re: Digitek entities	4
20-Sep-09	Ashley L. Ownby	Research for PSC re: Digitek entities	5
27-Sep-09	Ashley L. Ownby	Research for PSC re: Digitek FOIA & Review of Documents filed	7
5-Oct-09	Ashley L. Ownby	Travel arrangements to New York	2
12-Oct-09	Ashley L. Ownby	PSC Conference Call	2
14-Oct-09	Ashley L. Ownby	Review of documents	2.5
15-Oct-09	Ashley L. Ownby	Investigation and Research of documents re: Motion(s)	2
16-Oct-09	Ashley L. Ownby	Travel time to New York	10
19-Oct-09	Ashley L. Ownby	PSC Conference – Discovery	6
20-Oct-09	Ashley L. Ownby	Travel back from New York	10
6-Nov-09	Ashley L. Ownby	Review of documents and Trial pools	2
11-Nov-09	Ashley L. Ownby	Review of Discovery	4
23-Nov-09	Ashley L. Ownby	Review of Discovery	4
2-Dec-09	Ashley L. Ownby	PSC Conference Call	3
7-Dec-09	Ashley L. Ownby	Discovery & Trial preparation	3
7-Jan-10	Ashley L. Ownby	PSC Conference Call	1
11-Feb-10	Ashley L. Ownby	PSC Conference Call	1
11-Mar-10	Ashley L. Ownby		1
26-Aug-10	Ashley L. Ownby		1
19-Aug-10	Ashley L. Ownby		23
		Total Hours:	255.4

Exhibit 1

Date	Description	Amount
11/17-18/2008	Travel Miles to Charleston, WV(875x\$.50)	\$ 437.50
11/18/08	Marriott Hotel/ Charleston, WV	\$ 177.45
11/17-18/2008	Travel Expenses (Meals)	\$ 156.88
11/01/08	Internal Reproduction(copies 350 pg @.25 ea)	\$ 87.50
3/8-10/2009	SouthWest Airline	\$ 436.20
3/8-10/2009	St Regis Hotel	\$ 661.58
3/8-10/2009	Travel Miles to airport (330 x\$.50)	\$ 165.00
03/10/09	Airport Parking/Nashville TN	\$ 30.00
03/08/09	Taxi Cab	\$ 40.00
03/10/09	Taxi Cab	\$ 40.00
3/8-10/2009	Travel Expenses (Meals)	\$ 139.24
03/01/09	Internal Reproduction(copies 400 pg @.25 ea)	\$ 100.00
04/01/09	Internal Reproductions(copies 200 x.25 ea)	\$ 50.00
04/03/09	U.S. Postmaster	\$ 5.49
04/01/09	T Mobile (Conference Call)	\$ 13.20
06/11/09	SouthWest Airline	\$ 378.20
06/12/09	Westin Houston, TX	\$ 248.53
6/10-11/2009	Travel Miles to airport (330x\$.58)	\$ 191.40
06/10/09	Taxi Cab	\$ 50.00
06/11/09	Taxi Cab	\$ 50.00
6/10-11/2009	Travel Expense (Meals)	\$ 230.00
06/11/09	Airport Parking/Nashville TN	\$ 20.00
07/01/09	Internal Reproduction(copies 384pg x\$.25ea)	\$ 96.00
10/16-20/2009	American Airlines(used Frequent Fliers)	\$ 105.00
10/16-20/2009	Red Roof Inn/New York, NY	\$ 787.00
10/16-20/2009	Groomes Shuttle to Nashville Airport	\$ 69.00
10/16-20/2009	SuperShuttle from airport to Hotel	\$ 33.75
10/16-20/2009	Travel Expense (Meals)	\$ 139.89
10/16-20/2009	Travel Miles to Airport Shuttle(80x\$.58)	\$ 46.40
08/01/10	Internal Reproduction(copies 125 x \$.25)	\$ 31.25
8/18-21/2010	Delta Airline to Philadelphia, PA	\$ 629.70

Exhibit 2

~~Exhibit 2~~